

### **REMARKS**

Claims 11-15 are pending. Claims 11-14 stand rejected as anticipated by Lipkovker and claims 11-15 as anticipated by Currie. Applicant respectfully traverses these rejections.

There are a number of claimed features missing from Lipkovker. The Examiner characterizes element 69 as a port but also recognizes that this element is a polymeric membrane. Applicant submits that a membrane is not a port. The most appropriate definition of port in Merriam-Webster's Online Dictionary, 10th Edition is "2 a : an opening (as in a valve seat or valve face) for intake or exhaust of a fluid." Applicant submits that this does not define a membrane. As claimed the port must not only discharge medicament, but must also allow medicament to be introduced into the housing. The membrane does not act in this manner.

Furthermore, the oscillating member oscillates in response to ultrasonic stimulation. The transducer 65 in the reference oscillates to pump medicament and also to stimulate the skin. It thus can be said to form an oscillating member. But the claims require that the oscillation take place in response to ultrasonic stimulation. Transducer 65 oscillates in response to an electrical signal from the multiplexer. In other words, in the reference, the transducer does not respond to ultrasonic stimulation, it creates ultrasonic stimulation to discharge medicament and stimulate the skin.

Regarding claims 12-14, there is no means for selectively generating and transmitting ultrasonic stimulation "to the oscillating member." The oscillator 65 fulfills the function of the oscillating member; it cannot at the same time be the means that send ultrasonic stimulation to the oscillating member. Thus Applicant submits that claims 11-14 clearly define over Lipkovker.

Nor are the claims met by Currie. Currie has a charging opening 18, which is arguably a port and delivery opening 20, which is also arguably a port. However, the claimed port must fulfill both functions; two separate ports do not meet this limitation. Element 24 is not an oscillating member but a rupturable membrane. Applicant can find no teaching characterizing it as oscillating. In fact, the teaching is that it does not oscillate. It is ruptured by the two stacks 26a

and 26b. They cause the membrane to be deformed and stress be applied to it to the point where it breaks. The elements 32, 34, and 36 form transducers, but ultrasound is not involved. The transducers are deformed and act to deform the membrane. See the discussion at col. 6. lines 29-65. Thus, there is no teaching of a means for selectively generating and transmitting ultrasonic stimulation, let alone transmitting to an oscillating member. Nor, as noted above, is there an oscillating member. The Currie device operates on a different principle than the claimed device. Piezoelectric devices can form oscillators. However, in other cases, such as the present case, they can also be used create a movement or deformation with the application of a voltage.

Regarding the sensor such must communicate with the means for selectively generating and transmitting ultrasonic stimulation. Since such means are not present, the sensor cannot do this. As to the means calculating, they must communicate with the sensor and means for selectively generating and transmitting. Obviously such an arrangement is not present. Furthermore, monitoring circuit 58 of the reference functions to monitor the integrity of the membrane. Even assuming that it can be termed a means for calculating, it does not perform the claimed function of "calculating the duration of the ultrasonic frequency as a function of the type and degree of physiological change sensed by the sensor." Thus, the claims further define over Currie.

In view of the above, Applicants believe that all claims remaining under consideration in this application are in condition for allowance, prompt notice of which is respectfully solicited.

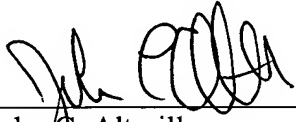
The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

Appl. No. 10/782,762  
Amend. Dated: June 20, 2005  
Reply to Office Action of May 6, 2005

The Office is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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John C. Altmiller  
Registration No. 25,951

KENYON & KENYON  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
Tel.: (202) 220-4200  
Fax.: (202) 220-4201  
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